



**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LOS ALTOS, HELD ON TUESDAY, SEPTEMBER 22,
2020, BEGINNING AT 7:00 P.M. HELD VIA
VIDEO/TELECONFERENCE**

MEETING CALLED TO ORDER

At 7:08 p.m., Mayor Pepper called the meeting to order.

ESTABLISH QUORUM

Present: Mayor Pepper, Vice Mayor Fligor, Council Members Bruins, Enander and Lee Eng
Absent: None

REPORT ON CLOSED SESSION

1. Public Employment: City Manager Performance Review
Pursuant to Government Code Section 54957 (b) and 54957.6
2. Conference with Legal Counsel – Anticipated Litigation
Pursuant to Government Code Section 54956.9(d)(2) - 1 case
3. Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)
Name of Case: *California Renters Legal Advocacy and Education Fund, San Francisco Bay Area Renters Federation, Victoria Fierce, and Sonja Trauss v. City of Los Altos, et al. Sixth District Court of Appeal Case No HO48270, County of Santa Clara Case No. 19CV350422*
4. Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)
Name of Case: *40 Main LLC v City of Los Altos et al. Sixth District Court of Appeal, Case Number H048270 County of Santa Clara Case No. 19CV349845*

Mayor Pepper reported that the City Council met in closed session prior to this meeting and that no action had been taken and there was nothing to report.

MOMENT OF SILENCE

Mayor Pepper called for a moment of silence in recognition of the passing and contributions of the Honorable Supreme Court Justice Ruth Bader Ginsburg and in recognition of the passing and contributions of Los Altos Employee Lori Stoia.

SPECIAL PRESENTATION

- Presentation of Proclamation of the City Council Declaring October 17-24, 2020 “California Flood Preparedness Week”

Mayor Pepper presented the above proclamation.

CHANGES TO THE ORDER OF THE AGENDA

There were no changes made to the order of the agenda

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following members of the public provided comments: Zahra, Max Schwarzer, Roberta Phillips, Jeff Byron, and Tasha Reddy

CONSENT CALENDAR

1. Council Minutes: Approve the minutes of the September 5, 2020 Special Meeting, September 8, 2020 Regular Meeting, and September 10, 2020 Special Meeting
2. Ordinance No. 2020-472: Construction and Demolition Debris Approve Second Reading and final adoption of Ordinance No. 2020-472 amending Chapter 6.14, Collection, Recycling, and Disposal of Waste Generated from Deconstruction, Demolition, Construction, and Renovation Projects within the City of Los Altos and adopt the penalty fee and the administrative fee included in Chapter 6.14
3. Resolution No. 2020-32: Appeal of a Design Review Approval – 126 Mount Hamilton Avenue: Adopt Resolution No. 2020-32 Upholding, in part, the appeal of Design Review Commission approval of a new two-story residence located at 126 Mount Hamilton Avenue and requiring modifications for City Council final review and approval
4. Contract Amendment - On-Call Traffic Signal And Streetlight Repair Services: Authorize the City Manager to execute a contract amendment with Bear Electrical Services, Inc. in the amount \$75,000 for a total not to exceed project budget of \$231,000 for on-call traffic signal and streetlight repair services.
5. VT A 2016 Measure B Half Cent Sales Tax Agreement: Authorize the City Manager to execute an agreement on behalf of the City with the Valley Transportation Authority for the 2016 Measure B Bicycle & Pedestrian Education and Encouragement Program.
6. Contract Amendment: Safe Routes to School Program Coordination: Authorize the City Manager to execute an amendment on behalf of the City with Alta Planning + Design Inc. in the amount of \$60,000 to provide additional consulting services for Safe Routes to School Program Coordination.
7. Contract Change Order with O’Grady Paving, Inc. for 2019/20 Annual Street : Authorize the City Manager to execute a contract amendment with O’Grady Paving in the amount \$25,550.80, or a total not to exceed project budget of \$1,270,121.63, for the Annual Street Resurfacing Program, Project No. TS-01001. Resurfacing Project.

Council Member Lee Eng moved to approve the Consent Calendar. The motion was seconded by Council Member Bruins and the motion passed (5-0) with the following roll call vote:

AYES: Council Members Bruins, Enander, Lee Eng, Vice Mayor Fligor, and Mayor Pepper.
NOES: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARINGS

8. Ordinance Nos. 2020-470 and 471 Building Electrification and Electric Vehicle Infrastructure Reach Codes: Hold Public Hearing and introduce and waive further readings of 1.) an ordinance of the City Council of the City of Los Altos amending Chapter 12.22 Energy Code of Title 12 of the Los Altos Municipal Code relating to amendments to the 2019 California Energy Code for all-electric buildings and 2.) an ordinance of the City Council of the City of Los Altos amending Chapter 12.26 Green Building Standards Code of Title 12 of the Los Altos Municipal Code relating to amendments to the 2019 California Green Building Standards Code For Electric Vehicle (EV) Infrastructure

Mayor Pepper addressed concerns that had been raised by community members that she (Mayor Pepper), based on her employment, may have a conflict of interest relative to Council discussion and potential action on Reach Codes and Electric Vehicle Charging Station regulations (EV). Mayor Pepper stated that she requested the City Attorney consult with the Fair Political Practices Commission for a determination of whether a conflict exists. Mayor Pepper reported that the FPPC determined that no conflict exists. Mayor Pepper further explained that two formal complaints, against her (the Mayor), had been filed by community members with the FPPC. Mayor Pepper reported that she had been notified that the FPPC had investigated each complaint separately and on both matters found no violation and took no enforcement action. She spoke about her employment and why there is no conflict of interest or ethical issues with her participation in Reach code and EV regulation discussions.

Community Development Director Biggs introduced Environmental Commissioners Laura Teksler and Don Weiden who provided a presentation on Reach Codes and answered questions from the Council.

In addition, John Supp, representing Silicon Valley Clean Energy, provided information and answered questions from the Council.

At 8:57 p.m. Mayor Pepper called for a brief recess. At 9:05 p.m. the meeting was reconvened

Mayor Pepper opened the Public Hearing and called for public comments. The following members of the public spoke: Alexander Mac Innis, Sandysans, Roberta Phillips, Freddie Wheeler, Stephen Haber, Donna Stratton, Gary Hedden, Rod Sinks, Dave Edwards, Joe Benninato, Uriel Hernandez, Scott Spielman, Audrey Chang, Margaret Capetz, Anna Budman, , Tien Nguyen, David Su, Suzanne Emerson, Jenny Green, Stephanie Morris, Diane Bailey, Betsy Youngdahl, Dashell Weeds,

Hoia-an Truong, Jeff Byron, Mary Dateo, David Roode, Anthony Eulo, Annika Gaglani, Joel Bartlett, Martin Liskowski, Teresa Morris, and Frank Martin.

Council reviewed the proposed ordinance, provided feedback and direction for various modifications to be incorporate into the ordinance and brought back to the Council for review.

Council Member Bruins moved to direct staff to modify the ordinance language to require new construction for single family dwellings, detached accessory dwelling units, duplexes triplexes and fourplexes be electrically pre-wired for all electric appliances with the exception that, in addition to the electrical wiring, gas cooking appliances and gas fireplaces would be allowed. The motion was seconded by Vice Mayor Fligor and the motion passed (3-2) with the following vote:

AYES: Council Members Bruins, Vice Mayor Fligor, and Mayor Pepper.
NOES: Council Members Enander and Lee Eng
ABSENT: None
ABSTAIN: None

Council Member Bruins moved to direct staff to modify the ordinance language to require new construction of multifamily structures consisting of nine (9) or less units to be electrically pre-wired for all electric appliances with the exception that, in addition to the electrical wiring, gas cooking appliances and gas fireplaces would be allowed. The motion was seconded by Vice Mayor Fligor and the motion passed (3-2) with the following vote:

AYES: Council Members Bruins, Vice Mayor Fligor, and Mayor Pepper.
NOES: Council Members Enander and Lee Eng
ABSENT: None
ABSTAIN: None

Council Member Bruins moved to direct staff to modify the ordinance language to require new construction of multifamily structures consisting of ten (10) or more units to be electrically pre-wired for all electric appliances and if exceptions are needed staff would include appropriate language. The motion was seconded by Vice Mayor Fligor and the motion (5-0) with the following roll call vote:

AYES: Council Members Bruins, Enander, Lee Eng, Vice Mayor Fligor, and Mayor Pepper.
NOES: None
ABSENT: None
ABSTAIN: None

Council Member Bruins moved to direct staff to modify the ordinance language so as to require all new commercial construction to be electrically pre-wired for all electric appliances with the inclusion of exceptions based on public or business needs including such uses as labs, commercial kitchens, pizza ovens and any others identified by staff. The motion was seconded by Vice Mayor Fligor and the motion (5-0) with the following roll call vote:

AYES: Council Members Bruins, Enander, Lee Eng, Vice Mayor Fligor, and Mayor Pepper.
NOES: None

ABSENT: None
ABSTAIN: None

Discussion commenced regarding proposed ordinance 2020-471 relative to Electric Vehicle charging stations. Community Development Director Biggs and Building Official Ballard answered questions from the Council.

There was consensus to continue the (EV) matter with direction to the staff to work with the committee and bring back a table of existing requirements and proposed options relative to Electric Vehicle wiring.

Councilmember Enander moved that the Council continue discussion of proposed Ordinance Nos. 2020-470 and 471 Building Electrification and Electric Vehicle Infrastructure Reach Codes to the meeting of October 27, 2020. The motion was seconded by Council Member Lee Eng and passed (5-0) with the following vote:

AYES: Council Members Bruins, Enander, Lee Eng, Vice Mayor Fligor, and Mayor Pepper.
NOES: None
ABSENT: None
ABSTAIN: None

DISCUSSION ITEMS

9. Police Town Hall Follow Up: Discuss information gathered from July 28, 2020 Police Town Hall Meeting and provide direction to staff

Mayor Pepper introduced the matter. Discussion commenced.

The following members of the public commented: Salim Damerdji, Moira Huang, Roberta Philips, Curtis Cole and Ludka Nesbit.

Police Chief Galea also answered questions from the Council.

Following discussion, Vice Mayor Fligor moved that the City Council form a Citizen Task force to:

- 1.) Focus on the role of School Resource Officers and other law enforcement presence at Los Altos High School by reviewing the issues raised by current and former students and, through discussions with current and former students, school administrators, parents, teachers and the police, as well as reviewing and benchmarking other available models and make a recommendation concerning the appropriate role of a school resource officer or law enforcement presence at the high school; and
- 2.) Review the current method the City uses to receive complaints about the conduct of police officers, analyze alternative options, and make recommendations by identifying the issues raised by residents related to the citizen complaint process, and benchmarking and proposing different solutions that will address those issues. Any proposed solutions shall be reviewed with the City Manager and Police Chief prior to bringing the proposed solutions to City Council and at a minimum, any proposed solution should include the cost of implementing the process and how each solution will address the issues raised.

- 3.) The task force is to consist of 9 members who shall reflect a cross-section of the community. Mayor Pepper and Vice Mayor Fligor shall serve as a subcommittee to provide oversight of the task force, work on clearly defining the roles, expectations and final product of the task force, and work with staff to hire a facilitator at a cost not to exceed \$25000. Staff was directed to recruit and schedule interviews for October 9th.
- 4.) In addition, the task force is expected to bring its findings and recommendations to the City Council's November 10th meeting where the Council will provide feedback so the Task Force can bring its final recommendations back to the Council for final review and approval on November 24, 2020. The motion was seconded by Council Member Lee Eng and the motion passed (5-0) with the following roll call vote:

AYES: Council Members Bruins, Enander, Lee Eng, Vice Mayor Fligor, and Mayor Pepper.
NOES: None
ABSENT: None
ABSTAIN: None

10. Emergency Measures for Addressing COVID-19: Receive an update from the City Manager and provide direction (C. Jordan)
 - a. Mandatory Face Masks

There was brief discussion and Council consensus to table the matter of a local mandate requiring face coverings. City Manager Jordan stated that due to the late hour he would email to the council and upload to the City website portals his update relative to Covid 19.

COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

Council Member Lee Eng requested that information on current police training and any recommendations for additional training be presented at the same meeting the Task Force is scheduled to present its findings and recommendation. In addition, she inquired about the status of anti-bias training for all staff members.

Council Member Bruins requested that the matter of the Bocce Ball Courts be expedited and brought to Council prior to the upcoming expiration of Council terms as well as the matter of 5150 El Camino Real.

In response to Council Member inquiry, City Manager Jordan reported that there will be a Study Session on October 13 for an update and discussion on the current state of the City's Financials. In addition, at the October 13th Regular meeting the matter of the Community Center construction funding will be discussed.

ADJOURNMENT

At 1:30 a.m., September 23, 2020, Mayor Pepper adjourned the meeting.

Janis C. Pepper, MAYOR

Andrea M. Chelemengos MMC, CITY CLERK

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